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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/609,722	06/30/2000	Lalitha Agnibotri	000142	2694

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

TRAN, THAI Q

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/609,722

Applicant(s)

AGNIBOTRI ET AL.

Examiner

Thai Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-6,8-12,14-18 and 20-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,5,6,8,11,12,14,17,18,20,23 and 24 is/are allowed.
- 6) ☒ Claim(s) 3,4,9,10,15,16,21 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### DETAILED ACTION

1. Please include the new Art Unit 2616 in the caption or heading of any written or facsimile communication submitted after this Office Action because the Examiner, who was assigned to Art Unit 2615, will be assigned to new Art Unit 2616. Your cooperation in this matter will assist in the timely processing of the submission and is appreciated by the Office.

### *Response to Arguments*

2. Applicant's arguments filed July 30, 2004 have been fully considered but they are not persuasive.

Applicants' arguments with respect to claims 2, 5-6, 8, 11-12, 14, 17-18, 20, and 23-24 are found to be persuasive and; therefore, the rejection of claims 2, 5-6, 8, 11-12, 14, 17-18, 20, and 23-24 has been withdrawn.

Applicants' arguments with respect to claims 3-4, 9-10, 15-16, and 21-22 are found not to be persuasive.

In re pages 18-19, applicants argue that neither discloses or suggests that the least desirable video program should be compressed prior to being deleted, and **the compressed least desirable video program should be stored in place of the deleted least desirable video program** as recited in claims 3, 9, 15, and 21.

In response, the examiner respectfully disagrees. It is noted that claims 3, 9, 15, and 21 does not recite the alleged limitations "**the compressed least desirable video program should be stored in place of the deleted least desirable video program**" but only recite "**wherein said video memory controller compresses said least**

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**desirable video program prior to deleting said least desirable video program”.**

**The compressor/decompressor 112 of Wood et al would compress the inputted video signal before recording or deleting. Therefore, the compressor/decompressor 112 of Wood et al anticipates the claimed limitation “wherein said video memory controller compresses said least desirable video program prior to deleting said least desirable video program” of claims 3, 9, 15, and 21.**

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 3-4, 9-10, 15-16, and 21-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Wood et al (US 6,324,338 B1) as set forth in the last Office Action.

Regarding claim 3, Wood et al discloses, for use in a video memory manager for use in a video recording device capable of storing a plurality of video programs on a disk drive (Fig. 1), said video memory manager comprising:

a video memory controller (a processor 101 of Fig. 1, col. 2, lines 39-45 and col. 4, lines 31-50) capable of detecting that said disk drive does not contain sufficient storage space to store a next-to-be-recorded program, wherein said video memory

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controller, in response to said detection, determines a first retention score associated with a first one of said plurality of video programs and a second retention score associated with a second one of said plurality of video programs, wherein said first and second retention scores indicate a desirability of retaining said first and second video programs respectively, and wherein said video memory controller deletes a least desirable one of said first and second video programs (show may be selected for removal if it is a lower priority than the show to be recorded and other criteria may also be used disclosed in col. 4, lines 31-50), wherein said video memory controller compresses said least desirable video program prior to deleting said least desirable video program (the video compressor/decompressor 112 of Fig. 1, col. 3, lines 59-62).

Regarding claim 4, Wood et al discloses the claimed wherein said video memory controller deletes said compressed least desirable video program if said video memory controller determines that said disk drive still does not contain sufficient storage space to store said next-to-be-recorded program after compression of said least desirable video program has occurred (the video compressor/decompressor 112 of Fig. 1, col. 3, lines 59-62 and the deleting of show base on priority and other criteria disclosed in col. 4, lines 31-50).

Regarding claim 9, Wood et al discloses a video recording device (Fig. 1) comprising:

a disk drive (video storage 105 of Fig. 1, col. 3, lines 28-37) capable of storing a plurality video programs;

a video recording controller (video storage 105 of Fig. 1, col. 3, lines 28-37 and 53-58) capable of receiving incoming video programs from an external source and storing said received incoming video programs on said disk drive; and

a video memory controller capable of detecting that said disk drive does not contain sufficient storage space to store a next-to-be-recorded program, wherein said video memory controller, in response to said detection, determines a first retention score associated with a first one of said plurality of video programs and a second retention score associated with a second one of said plurality of video programs, wherein said first and second retention scores indicates a desirability of retaining said first and second video programs respectively, and wherein said video memory controller deletes a least desirable one of said first and second video programs (a processor 101 of Fig. 1, and show may be selected for removal if it is a lower priority than the show to be recorded and other criteria may also be used disclosed col. 2, lines 39-45 and col. 4, lines 31-50), wherein said video memory controller compresses said least desirable video program prior to deleting said least desirable video program (the video compressor/decompressor 112 of Fig. 1, col. 3, lines 59-62).

Regarding claim 10, Wood et al discloses the claimed wherein said video memory controller deletes said compressed least desirable video program if said video memory controller determines that said disk drive still does not contain sufficient storage space to store said next-to-be-recorded program after compression of said least desirable video program has occurred (the video compressor/decompressor 112 of Fig.

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1, col. 3, lines 59-62 and the deleting of show base on priority and other criteria disclosed in col. 4, lines 31-50).

Method claims 15-16 are rejected for the same reasons as discussed in the corresponding apparatus claims 3-4 above.

The computer-readable storage medium claims 21-22 are rejected for the same reasons as discussed in corresponding apparatus claims 3-4 above and the program logic memory 102 disclosed in col. 2, lines 39-55.

***Allowable Subject Matter***

5. Claims 2, 5-6, 8, 11-12, 14, 17-18, 20, and 23-24 are allowed.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

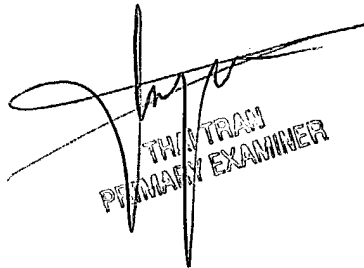
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Tran whose telephone number is (703) 305-4725. The examiner can normally be reached on Mon. to Friday, 8:00 AM to 5:30 PM.

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The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTQ



THUY TRAN  
PRIMARY EXAMINER